

LATE REVISIONS
City of Vacaville
Easterly Wastewater Treatment Plant
Proposed Tentative NPDES Permit and Time Schedule Order
Regional Water Quality Control Board, Central Valley Region
Board Meeting – 24/25 April 2008
ITEM #16

1. In the NPDES Permit, Section VI.C.1. Reopener Provisions

Add Subsection I., as follows:

- I. **Litigation-related issues.** Issues that may affect this Order are pending in the case of *City of Vacaville v. State Water Resources Control Board* (Contra Costa County Case No. CIV MSN 03-0956). This Order will be reopened as necessary to ensure compliance with any final, non-appealable decision in that case.

2. In the Fact Sheet, Attachment F, Section II. Facility Description

Add the following text at the beginning of subsection C., Summary of Existing Requirements and Self-Monitoring Report (SMR) Data:

After adoption of the previous NPDES permit, Order No. 5-01-044, by the Regional Water Board in March 2001, the Discharger petitioned the adopted Order to the State Water Board. The State Water Board held a three day hearing September 2001 and adopted Water Quality Order WQO 2002-0015 in October 2002. The major issues of the petition were regarding the tributary rule and beneficial use designations; beneficial uses of Old Alamo Creek; Sources of Drinking Water Policy (State Water Board Resolution 88-63); disinfection requirements; bypass prohibition; and effluent, groundwater, and receiving water limitations. The Discharger and the California Association of Sanitation Agencies challenged WQO 2002-0015 in Superior Court.

WQO 2002-0015 stayed the copper effluent limit, chloroform effluent limit, receiving water temperature limit, receiving water ammonia limit, groundwater limitations, and compliance schedules for tertiary limits, until the Regional Water Board acted on the remand. Additionally, WQO 2002-0015 stayed for three years the compliance schedules for limits based on the COLD and MUN beneficial uses in Old Alamo Creek, including the effluent and receiving water dissolved oxygen limits, final biochemical oxygen demand effluent limits, chlorodibromomethane effluent limits, dichlorobromomethane effluent limits, and chloroform effluent limits.

The Discharger's challenge to Order No. 5-01-044 is still being litigated in the Contra Costa County Superior Court, *City of Vacaville v. State Water Resources Control Board* (Contra Costa County Case No. CIV MSN 03-0956).

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Since the adoption of Order No. 5-01-044, the Basin Plan was amended to de-designate the COLD and MUN beneficial uses in Old Alamo Creek. This Order reflects the changes in beneficial uses of Old Alamo Creek. The Discharger, Regional Water Board, State Water Board, and USEPA are working to determine the beneficial uses of New Alamo Creek. In addition, the Discharger has requested the State Water Board to grant an exception to implementation of the dichlorobromomethane and chlorodibromomethane CTR criteria pursuant to Section 5.3 of the State Implementation Policy.

3. In the Fact Sheet, Attachment F, Section VII.B.1 Reopener Provisions

Add Subsection I., as follows:

- I. **Litigation-related issues.** The Discharger and the State Water Board are under litigation in the Contra Costa County Superior Court, *City of Vacaville v. State Water Resources Control Board* (Contra Costa County Case No. CIV MSN 03-0956). Issues relating to this litigation may affect this Order. This Order will be reopened as necessary to ensure compliance with any final, non-appealable decision in that case.